

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Libenzi et al.) Art Unit: 2131
)
Application No. 10/061,415) Examiner: Henning, Matthew T.
)
Filed: 02/01/2002) Atty. Docket No.
) NAIIP393/01.162.01
For: SYSTEM AND METHOD FOR)
PROVIDING PASSIVE SCREENING) Date: 11/03/2008
OF TRANSIENT MESSAGES IN A)
DISTRIBUTED COMPUTING)
ENVIRONMENT)
)

Issue Fee Payment Transmittal

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following items:

- 1) Comments on Statement of Reasons for Allowance
- 2) Separate Letter to the Official Draftsperson
- 3) 6 Sheets of Formal Drawings
- 4) Part B- Issue Fee Transmittal

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

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(408) 971-2573

Attorney Docket No. NAIIP393/01.162.01

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

In response to the Notice of Allowance mailed 08/01/2008, please enter the following:

REMARKS

In the Examiner's Statement of Reasons for Allowance, the Examiner has stated the following: "[w]hile the prior art teaches monitoring a packet stream in order to detect virus infected packets or network attacks, the prior art does not teach doing so passively, as claimed, while also spoofing a network protocol packet by sending a legitimate packet to a network domain in place of an infected packet, in the particular combination of limitations as claimed."

In response, applicant points out that at least some of the independent claims (e.g. Claims 32 and 41) are not limited to at least the emphasized features that the Examiner has highlighted above.

Just by way of example, independent Claim 32 requires:

"a network interface receiving copies of datagrams transiting a boundary of a network domain into an incoming packet queue, each datagram being copied from a packet stream" (emphasis added), as claimed.

Further, as yet another example, independent Claim 41 requires:

"receiving copies of datagrams transiting a boundary of a network domain into an incoming packet queue, each datagram being copied from a packet stream" (emphasis added), as claimed.

Clearly, at least some of the independent claims are not limited to the features that the Examiner has noted above in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NA11P393).

Respectfully submitted,
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In the United States Patent and Trademark Office

Applicant(s): Libenzi et al.

Examiner: Henning, Matthew T.

Attorney Docket No. NA11P393/01.162.01

Group Art Unit: 2131

Application No. 10/061,415

Filed: 02/01/2002

Title: SYSTEM AND METHOD FOR PROVIDING PASSIVE SCREENING OF TRANSIENT
MESSAGES IN A DISTRIBUTED COMPUTING ENVIRONMENT

Notice of Allowability Date: 08/01/2008

Separate Letter to the Official Draftsperson

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby attach 6 sheets of formal drawings (containing Figures 6, 7, 8, 9, 10 and 11) for the above-identified patent application. No new matter is added by the replacement drawing sheets.

In the event that the Draftsperson has any questions concerning the formal drawings, he or she is respectfully requested to contact the undersigned.

The Commissioner is authorized to charge any fee(s) that may be due to our Deposit Account No. 50-1351 (Order No. NA11P393).

Respectfully submitted,
Zilka-Kotab, PC

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